IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.2690/07
Devendra Sharma Vs. Mohd. Yusuf Badgurjar & Ors.

16.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Akhil Simlote for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 8.2.2007 whereby his application under Section 151 has been rejected by the Court of Additional Civil Judge (JD) No.2, Sikar. The application was filed with the prayer that the respondents may be directed to restore possession of the disputed property back to the petitioner which had been forcibly taken from him contrary to the injunction order passed by that Court on 7.1.1999. The learned Court in the impugned order has noted that defendant no.2 Sangeeta Devi has asserted

that she was the daughter of petitioner Ms. Radha Rani who is practicing advocate, through whom the deal was finalised. It was she who persuaded her to purchase the disputed property. In fact, Radha Rani was instrumental in getting the execution of the sale deed and handing over of the possession. But she deliberately left some of her belongings in the disputed land and when subsequently dispute arose between the parties, this application was filed. The learned trial court found that in the main suit in which the said application was filed, specific issue has been framed subsequently as to whether the plaintiff was entitled to restoration of the possession of the disputed property which issue shall be decided only on the basis of evidence between the parties and therefore as an interim measure the petitioner cannot be put back in possession.

In the facts of the case I do not find that the

order passed by the Court below suffer from any such material irregularity as may constitute error apparent on the basis of the record so as to warrant interference by this Court.

The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-